

## 63C Am. Jur. 2d Property § 52

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### Property

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### VI. Practice and Procedure

#### B. Proof of Ownership

## § 52. Motor vehicles

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Property](#)  7, 9, 10

Generally, ownership of a motor vehicle is generally determined by reference to the title certificate.<sup>1</sup> A title certificate is prima facie evidence that party named on certificate owns vehicle to which it applies,<sup>2</sup> or creates a rebuttable presumption of ownership,<sup>3</sup> but it is not conclusive proof<sup>4</sup> or the sole determinant<sup>5</sup> of ownership of a motor vehicle. Under such authority, proof showing different ownership is admissible.<sup>6</sup>

Similar authority explains that certificates of title of automobiles are indicia of ownership and control,<sup>7</sup> and that a certificate of title is merely evidence of title to a vehicle,<sup>8</sup> not title<sup>9</sup> or ownership itself.<sup>10</sup> In other words, a certificate of title is not of itself proof of ownership or legal title to a vehicle, and a person may have legal title in a vehicle even though he or she does not possess a certificate of title.<sup>11</sup>

However, other authority holds flatly that the owner of a motor vehicle is the person to whom a vehicle is titled<sup>12</sup> or the person whose name appears as such on title certificate.<sup>13</sup> Under such authority, indicia of ownership is only considered to determine ownership of a motor vehicle, when no title has been issued to any party asserting rights to the vehicle.<sup>14</sup>

Vehicle ownership is a fact question for the jury to determine in light of all the circumstances.<sup>15</sup> Where there is conflicting evidence of ownership of a motor vehicle, the issue must be resolved by a trier of fact.<sup>16</sup>

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### Footnotes

<sup>1</sup> [In re Byrd](#), 546 B.R. 434, 88 U.C.C. Rep. Serv. 2d 1116 (Bankr. D. Idaho 2016) (applying Idaho law).

<sup>2</sup> [Chopmist Hill Fire Dept. v. Town of Scituate](#), 780 F. Supp. 2d 179 (D.R.I. 2011) (applying Rhode Island law); [In re Stinson](#), 443 B.R. 438 (B.A.P. 9th Cir. 2010) (applying California law); [In re Viveros](#), 456 B.R. 525 (Bankr. D. Colo. 2011) (applying Colorado law); [Loren-Maltese v. C.I.R.](#), T.C. Memo. 2012-214, T.C.M. (RIA) P 2012-214 (2012) (applying Illinois law); [Allerton v. Broussard](#), 47 So. 3d 493 (La. Ct. App. 5th Cir. 2010), decision rev'd on other

grounds, 50 So. 3d 145 (La. 2010); *Blackwell Motors, Inc. v. Manheim Services Corporation*, 529 S.W.3d 367 (Mo. Ct. App. E.D. 2017); *RLI Ins. Co. v. Steely*, 88 A.D.3d 975, 932 N.Y.S.2d 80 (2d Dep't 2011).

<sup>3</sup> *In re Viveros*, 456 B.R. 525 (Bankr. D. Colo. 2011) (applying Colorado law); *In re Denby-Peterson*, 576 B.R. 66, 93 U.C.C. Rep. Serv. 2d 1367 (Bankr. D. N.J. 2017) (applying New Jersey law); *Agency Ins. Co. v. State Farm Mut. Auto. Ins. Co.*, 193 Md. App. 666, 998 A.2d 936 (2010).

The name on a vehicle's title raises a rebuttable administrative presumption of ownership. *State Farm Mut. Auto. Ins. Co. v. Scott*, 866 F. Supp. 2d 680 (S.D. Tex. 2012) (applying Texas law).

A registered certificate of title establishes only presumptive ownership of an automobile, which can be overcome by competent evidence. *Birmingham Fire Ins. Co. v. Rosado*, 42 So. 3d 896 (Fla. 5th DCA 2010).

<sup>4</sup> *In re Stinson*, 443 B.R. 438 (B.A.P. 9th Cir. 2010) (applying California law); *In re Viveros*, 456 B.R. 525 (Bankr. D. Colo. 2011) (applying Colorado law); *Allerton v. Broussard*, 47 So. 3d 493 (La. Ct. App. 5th Cir. 2010), decision rev'd on other grounds, 50 So. 3d 145 (La. 2010); *Agency Ins. Co. v. State Farm Mut. Auto. Ins. Co.*, 193 Md. App. 666, 998 A.2d 936 (2010); *Blackwell Motors, Inc. v. Manheim Services Corporation*, 529 S.W.3d 367 (Mo. Ct. App. E.D. 2017).

A state's motor vehicle certification of title act is the exclusive method of transferring title to a vehicle, but it is not conclusive of ownership. *McCoolidge v. Oyvetzsky*, 292 Neb. 955, 874 N.W.2d 892, 89 U.C.C. Rep. Serv. 2d 67 (2016).

<sup>5</sup> *In re Chesley*, 550 B.R. 903 (Bankr. M.D. Fla. 2016) (applying Florida law); *In re Young*, 468 B.R. 818 (Bankr. E.D. Mich. 2012) (applying Michigan law); *In re Denby-Peterson*, 576 B.R. 66, 93 U.C.C. Rep. Serv. 2d 1367 (Bankr. D. N.J. 2017) (applying New Jersey law).

Motor vehicle title documents are not unimpeachable evidence of ownership. *In re Stinson*, 443 B.R. 438 (B.A.P. 9th Cir. 2010) (applying California law).

<sup>6</sup> *Allerton v. Broussard*, 47 So. 3d 493 (La. Ct. App. 5th Cir. 2010), decision rev'd on other grounds, 50 So. 3d 145 (La. 2010).

Title registration is rebuttable if evidence of ownership to the contrary is produced. *Agency Ins. Co. v. State Farm Mut. Auto. Ins. Co.*, 193 Md. App. 666, 998 A.2d 936 (2010).

<sup>7</sup> *Roy Bayer Trust v. Red Husky, LLC*, 13 N.E.3d 415 (Ind. Ct. App. 2014).

<sup>8</sup> *In re James*, 496 B.R. 590 (Bankr. W.D. Ark. 2013) (applying Arkansas law).

<sup>9</sup> *In re James*, 496 B.R. 590 (Bankr. W.D. Ark. 2013) (applying Arkansas law).

<sup>10</sup> *State Farm Mut. Auto. Ins. Co. v. Scott*, 866 F. Supp. 2d 680 (S.D. Tex. 2012) (applying Texas law).

<sup>11</sup> *Roy Bayer Trust v. Red Husky, LLC*, 13 N.E.3d 415 (Ind. Ct. App. 2014).

<sup>12</sup> *Encompass Independent Insurance Company v. Dombrosky*, 234 F. Supp. 3d 785 (W.D. Va. 2017).

<sup>13</sup> *In re Resler*, 551 B.R. 835 (Bankr. D. Idaho 2016) (applying Idaho law).

<sup>14</sup> *In re Bar GW Ranch and Trucking LLC*, 520 B.R. 825 (Bankr. D. Idaho 2014) (applying Idaho law).

<sup>15</sup> *In re Stinson*, 443 B.R. 438 (B.A.P. 9th Cir. 2010) (applying California law).

<sup>16</sup> *Martin v. Lancer Ins. Co.*, 133 A.D.3d 1219, 19 N.Y.S.3d 638 (4th Dep't 2015).